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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,183	02/06/2004	Takise Osamu	60810 (71360)	7206

21874 7590 07/24/2006

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EXAMINER

SZEKELY, PETER A

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/774,183	Applicant(s) OSAMU ET AL.	
	Examiner Peter Szekely	Art Unit 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-14 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/3/04, 2/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The words "butylene glycol" (page 8, last line), "polybutylene terephthalate" (page 8, four times, page 10 and page 19), tetrabromobisphenol and bistetrabromophthalimide (both page 10) are misspelled. Page 16 contains the unexplained abbreviations "AS" and "ABS". There cannot be any unexplained abbreviations in the specification. Acrylonitrile-styrene (AS) resin is acceptable.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The claims contain improper Markush language. When the last conjunction is "and", proper Markush language is "selected from the group consisting of". Always. Without exception.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by DeGuia 4,370,438, Liu 4,639,486, Fukasawa et al. 5,135,973, Takekoshi et al. 5,773,502 or Ohara et al. 5,866,672, with Honda et al. 2004/0143068 or Goodman et al. 2006/0089444 as evidence.

7. DeGuia discloses a blend of PET and PBT, reinforcing agent, halogen containing flame-retardant and a reaction product of a silicone compound and antimony trioxide in claim 1, decabromodiphenyl ether in claim 7, a reaction product of talc and antimony trioxide in claim 10, the ratio of talc to antimony trioxide in claim 12, level of reaction product in claim 13 and PTFE in column 8, lines 27-45. See also Example III, Table IV, especially Composition H. Liu teaches polyester, flame-retardant, inorganic synergist and drip suppressant in claim 1, diols in claim 4, dimethyl terephthalate in claim 7, brominated aromatic flame-retardants in claims 16-17, antimony oxide and PTFE in claims 21-23 and mica, clay and glass fiber in column 14, lines 33-47. Fukasawa et al. recite PBT, flame-retardant and talc or clay in claim 1, antimony trioxide and PTFE in Tables 1 and 2. Takekoshi et al. display polyester, reinforcing fiber, halogenated flame-retardant, antimony oxide, organoclay and fluorocarbon polymer in claim 9, glass fibers in claim 16, PTFE in column 5, lines 62-64 and brominated polycarbonate oligomers in column 6, lines 33-36 and in Table 2, Example 4. Ohara et al. reveal applicants' composition in Examples 49, 69, 86, 107 and 139. See also claim 1. Honda et al. in paragraph 0003 and Goodman et al. in paragraph 0005 show proof of the known fact that drip-suppressing PTFE is fibril forming. Applicants' claims are not novel.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeGuia 4,370,438, Liu 4,639,486, Fukasawa et al. 5,135,973, Takekoshi et al. 5,773,502 or Ohara et al. 5,866,672, in view of Gareiss et al. 5,712,336 or Saiki et al. 5,814,696, with Honda et al. 2004/0143068 or Goodman et al. 2006/0089444 as evidence.

11. The primary references and the evidentiary references have been discussed already. Gareiss et al. divulge polyester, brominated compound, metal oxide, fluorinated polymer and minerals in claim 1, PET and PBT in claim 3, antimony oxide in claim 5, relay housing in claim 9, glass fibers, kaolin and mica in column 8, lines 49-54

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and PTFE in column 9, lines 23-33. Saiki et al. present polyester in claim 1, reinforcing filler in claim 4, fibrous or flaky filler in claim 5, brominated flame-retardant in claim 6, antimony containing flame-retardant in claim 7, relay component in claim 9, glass fiber in column 5, line 41, mica in column 5, line 50, concentrations in column 5, lines 55-57, brominated flame-retardants in column 5, lines 58-65, concentrations in column 7, lines 24-28, antimony oxides in column 6, lines 37-43, their concentration in the paragraph overlapping columns 7 and 8, kaolin, clay, talc and mica in column 8, lines 26-27 and PTFE in column 14, lines 20-22 and Table 3. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the compositions for relay parts or for thin walled moldings, because their compositions are identical.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Peter Szekely
Primary Examiner
Art Unit 1714

P.S.
7/17/06